

# **EXHIBIT 2**

Hearing

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

PHILLIPS, L.G., LCD CO., LTD, )  
Plaintiffs, ) C.A. No. 04-343 (JJF)  
)  
v. )  
)  
TATUNG CO., TATUNG COMPANY OF )  
AMERICA, INC., and VIEWSONIC )  
CORPORATION, )  
Defendants. )

Hearing of above matter taken pursuant to notice before Renee A. Meyers, Registered Professional Reporter and Notary Public, in the law offices of BLANK ROME, LLP, 1201 North Market Street, Wilmington, Delaware, on Friday, April 13, 2007, beginning at approximately 11:45 a.m., there being present:

BEFORE: VINCENT J. POPPITI, SPECIAL MASTER

APPEARANCES:

THE BAYARD FIRM  
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## Hearing

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1	APPEARANCES (Continued): 2 MCKENNA, LONG & ALDRIDGE, LLP 3 CASS W CHRISTENSON, ESQ. 4 REL S. AMBROZY, ESQ. 5 CORMAC CONNOR, ESQ. 6 1900 K Street, N.W. 7 Washington, D.C. 20006 8 for Plaintiffs 9 RICHARDS LAYTON & FINGER 10 ANNE SHEA GAZA, ESQ. 11 One Rodney Square 12 Wilmington, Delaware 19801 13 for Defendant Tatung Co. 14 GREENBERG TRAURIG LLP 15 FRANK MERIDETH, ESQ. 16 VALERIE HO, ESQ. 17 AL JANSEN, ESQ. 18 2450 Colorado Avenue, Suite 400E 19 Santa Monica, California 90404 20 for Defendant Tatung Company of America, Inc. 21 CONNOLLY BOVE LODGE & HUTZ LLP 22 JAMES D. HEISMAN, ESQ. 23 1007 North Orange Street 24 Wilmington, Delaware 19899 for Defendant ViewSonic Corporation CONNOLLY BOVE LODGE & HUTZ LLP SCOTT R. MILLER, ESQ. 355 South Grand Avenue Los Angeles, California 90071-3106 for Defendant ViewSonic Corporation	1 Then we had a hearing on that following 2 Monday, I don't have the dates in mind, that Monday was 3 in advance of the Friday, March 9 -- somebody correct me 4 if my date is wrong -- when we had the hearing in the 5 courthouse that all of you participated in, and I 6 indicated, on Monday, that I would issue an oral decision 7 on that Friday. 8 Well, when we came to the end of the 9 business day and the question was: Is there anything 10 else for me to attend to today?, we all expected that 11 there wasn't, and, in fact, there was. 12 So, not having attended to it on that 13 day, quite frankly, it slipped below the radar screen and 14 it wound up on a sheet that I keep of the 34 applications 15 -- I think we are up to 34 -- that we have been -- 16 actually, only up to 30 -- that I have been working on, 17 it wound up as being listed as "resolved." 18 So, it is squarely in my lap that that 19 fell through the cracks and I sincerely apologize. 20 So, what I want to do first is turn my 21 attention very briefly to that application. 22 From my perspective, I think it's fair 23 to say that the application, itself, seeks significant 24 discovery -- I won't adopt ViewSonic's, I am sorry, LPL's
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1	SPECIAL MASTER POPPITI: We can start. 2 I do apologize for hanging up on everyone. 3 MR. CHRISTENSON: One quick point, just 4 to let you know, I apologize in advance for the 5 interruption, but I think that Mr. Ambrozy is going to be 6 joining us in progress. 7 SPECIAL MASTER POPPITI: Okay. 8 MR. CHRISTENSON: He is not able to join 9 right this minute, but he is planning to join. 10 SPECIAL MASTER POPPITI: That's fine. 11 MR. CHRISTENSON: Thank you. 12 SPECIAL MASTER POPPITI: Before we 13 start, let me start by offering an apology. I expected 14 that when you all made the argument on the -- let me just 15 pull my file here -- on ViewSonic's February 16th, 2007, 16 motion dealing with mounting methods and structures and 17 LPL's response thereto, which was February the 23rd, I 18 now understand what occurred on this end. 19 You may remember, we had a hearing on 20 that application that I had indicated I would have hoped 21 I could have provided you with a decision on the record 22 the Monday after that hearing, and I realized that I 23 wasn't going to be getting the transcript that would 24 permit me to do that.	1 term "voluminous" discovery, it's significant, it could 2 be voluminous, I don't know what it would all involve -- 3 that I don't think either party can disagree that 4 ViewSonic previously agreed that LPL did not have to 5 produce. 6 Secondly, I think it's fair to say that 7 the underpinning of the application was, in fact, LPL's 8 written advice on a status document that LPL did, in 9 fact, produce modules that had holes or mounting 10 structures, or whatever we ultimately are going to be 11 calling that equipment, if you will, in the rear of the 12 module that LPL said that others could use for purposes 13 of rear mounting. I think that's fair in terms of what 14 you all advised me of. 15 Then, in my view, the question became: 16 Did LPL misrepresent, in the December 28th, 2006, 17 hearing, did it misrepresent that it did not practice the 18 patents-in-suit? 19 Now, it seems to me that in light of the 20 fact that -- LPL's position is that ViewSonic is, through 21 its present argument, stating something different than it 22 argues in its initial brief for claim construction. 23 You can expect that I have started to 24 study the briefing and claim construction independent of

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<p>1 this application. You can also expect that short of  2 having full briefing and having your studied view of what  3 claim construction should be with respect to each claim  4 that's in dispute, each term that's in dispute, that I  5 have made no judgment, and I do not have any -- I have  6 made no judgment with respect to claim construction.</p> <p>7 I am satisfied that because the  8 discovery is significant, perhaps voluminous, No. 1, and  9 I am satisfied, because I expect I need to make some  10 judgment as to whether ViewSonic was appropriately saying  11 that it did not practice the patents-in-suit, that it is  12 necessary for me to accomplish the claim construction  13 before I open the gates to discovery that was not  14 contemplated in December of 2006.</p> <p>15 I fully understand that that may mean,  16 if the claim construction, if you will, goes ViewSonic's  17 way, and, by that, I mean if it goes ViewSonic's way as  18 articulated in its February 16 application, and if I  19 conclude, by virtue of that, that LPL misstated whether  20 or not they practiced the patent, that discovery, as  21 requested by ViewSonic, is likely, and I understand that  22 that may mean that we are back at a different square. I  23 understand that it may mean that there will be more  24 deposition discovery that will have to take place, and I</p>	<p>1 construction is consistent with what LPL says that it  2 should be, and I know that LPL is suggesting that  3 ViewSonic is either attempting to have it both ways or  4 attempting to argue on both sides of the claim, I  5 understand all that, but if it goes LPL's way, then it  6 seems to me that, by virtue of that, it may be that no  7 further discovery will be ordered.</p> <p>8 If, in fact, claim construction goes  9 ViewSonic's way, then it seems to me all I need to know  10 is whether ViewSonic is still interested, once claim  11 construction occurs, and if it goes ViewSonic's way,  12 whether it is still interested in this discovery.</p> <p>13 So, it's not a matter of anything other  14 than, say, Please turn your attention to what I refer to  15 in my house over here as "DM 24," which translates to  16 your application that I have just talked about.</p> <p>17 Is that helpful?</p> <p>18 MR. MILLER: It is, with one exception,  19 and because I am not particularly versed in it --</p> <p>20 SPECIAL MASTER POPPITI: And I do  21 understand that.</p> <p>22 MR. MILLER: The concern I have is that  23 my recollection, and it is pretty fuzzy on this, is that  24 you may have the results inverted. If the claim</p>
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<p>1 understand the distraction that all of that may cause.  2 I am not satisfied, however, that that  3 is something that's appropriate to do before claim  4 construction is accomplished.</p> <p>5 So, with that said, you have my  6 decision, if you will, with respect to the February 16  7 application, and if anyone needs further guidance with  8 respect to that, I can certainly respond to any request  9 for guidance.</p> <p>10 MR. MILLER: This is Scott Miller.  11 SPECIAL MASTER POPPITI: I realize,  12 Mr. Miller, you didn't argue that application. I think  13 it was --</p> <p>14 MR. MILLER: Mr. Nelson.  15 SPECIAL MASTER POPPITI: Thank you. I  16 drew a blank there for a moment. Mr. Nelson.</p> <p>17 MR. MILLER: So I am not particularly  18 well versed on it. I guess the question I would have is:  19 How do we raise this issue once we get the preliminary  20 claim construction order in June?</p> <p>21 SPECIAL MASTER POPPITI: Well, I think  22 the way that it gets -- that I raise it, I don't think --  23 well, let me step back from that.</p> <p>24 It seems to me that the claim</p>	<p>1 construction goes LPL's way, the discovery may be much  2 more relevant because it deals with issues where there  3 are mounting features both on the back and in some other  4 location; whereas, if -- in that sense, the discovery is  5 going to be potentially much more critical; whereas, if  6 the claim construction goes ViewSonic's way, it may be  7 less critical. That's just my sense of the motion. I  8 was concerned that there may be -- you may have the two  9 results mixed up in terms of --</p> <p>10 SPECIAL MASTER POPPITI: I am not sure  11 that I do. But I can assure you that when the time  12 occurs, I will make every effort and attempt to get it  13 right.</p> <p>14 Mr. Christenson, do you want to weigh in  15 on that?</p> <p>16 MR. MILLER: I will be happy to review  17 it, too, Your Honor, I apologize.</p> <p>18 SPECIAL MASTER POPPITI: No. That's  19 okay. You all didn't expect that I was going to be doing  20 this up at the front end, but I was very concerned that,  21 as I read these papers, there were certainly clear --  22 there were references to a ViewSonic motion that had yet  23 to be decided, although fully briefed, and I had to  24 figure out which one that was.</p>

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1	Mr. Christenson.	1 capacity, certainly, to secure, if they think it's
2	MR. CHRISTENSON: Yes, thank you, Your	2 important to do this, on the market product that perhaps
3	Honor. And, likewise, I am really not fully in a	3 is available even with respect to the product that was
4	position to address it in detail, but I understand what	4 identified at tabs 10 and 11 of their exhibits.
5	you are saying with respect to claim construction issues	5 I mean, we spent, as I know,
6	that could impact on what you view as the relevance or	6 Mr. Christenson, you will recall, we spent a lot of time
7	lack of relevance with respect to this discovery.	7 with Mr. Nelson walking me through a black and white
8	SPECIAL MASTER POPPITI: Correct.	8 exhibit, if you will, on flat paper trying to describe to
9	MR. CHRISTENSON: What I believe would	9 me what the particular fastening elements on the back of
10	be helpful would be, once you are in a position where you	10 Exhibit No. 11 were. And once we went through that, you
11	feel that you have done the analysis that would be	11 made the comment, if I remember correctly, Indeed, there
12	necessary to make an informed judgment on this, that, as	12 are fastening elements on the back of the module that is
13	I understand it, you are suggesting we would revisit,	13 pictured in Exhibit 11, but those -- had the module been
14	then, how that impacts this discovery, and I think there	14 in front of me and had there been someone to teach me
15	would be questions about, you know, the scope of that	15 what that was, I believe you told me that those were to
16	discovery maybe with -- if there is any discovery, I	16 fasten something else to the back of that module;
17	think we would have to consider what would be the time	17 correct?
18	period or the scope, etcetera, that would be relevant --	18 MR. CHRISTENSON: I think that
19	SPECIAL MASTER POPPITI: That's correct.	19 Mr. Ambrozy addressed that point specifically, Your
20	MR. CHRISTENSON: -- with respect to	20 Honor, but --
21	LPL's products, you know, in a case where we are talking	21 SPECIAL MASTER POPPITI: Someone did.
22	about whether somebody else's products infringe.	22 MR. CHRISTENSON: I remember there was
23	So, I think that's all -- it sounds like	23 discussion about that, and I know that there is a dispute
24	that's all for another day, as I understand what you just	24 about what -- well, first of all, there are -- there is
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1	said.	1 more than one way to mount many of these modules, and
2	SPECIAL MASTER POPPITI: That's what I	2 don't remember specifically which module we were talking
3	am saying. I am not meaning to -- I just don't think	3 about or -- and I don't have that exhibit in front of me
4	that I can fairly consider the application against the	4 right now, but I do remember --
5	premise that LPL misrepresented something until the	5 SPECIAL MASTER POPPITI: It's not
6	claims are construed.	6 important to do that. If you think it is, I can tell you
7	Do either of you -- do you disagree with	7 which one it was.
8	that?	8 MR. CHRISTENSON: Well, again, I think
9	MR. CHRISTENSON: Well, my view on that,	9 Mr. Ambrozy had addressed that and I do remember it was
10	I guess one answer is, you know, we submitted some	10 addressed in detail.
11	interrogatory answers that ViewSonic had provided that we	11 SPECIAL MASTER POPPITI: Right. I
12	felt made it fairly clear that the module, itself,	12 understand what this may mean down the road, but I am
13	couldn't practice the invention.	13 certainly mindful of what it would mean were I to decide,
14	SPECIAL MASTER POPPITI: And I	14 without having a final claim construction in place, and
15	understand your position with respect to that, and, yet,	15 what it would mean in terms of pointing you in the
16	you know that that's not what ViewSonic is arguing.	16 direction of discovery that was not contemplated by the
17	MR. CHRISTENSON: Yes. I understand.	17 agreement that was forged on December the 28th of 2006.
18	SPECIAL MASTER POPPITI: So, I need to	18 Okay?
19	make some judgment with respect to what the claim, how to	19 MR. MILLER: I understand, Your Honor.
20	construe the claims before I can get to that.	20 Thank you.
21	MR. CHRISTENSON: I understand, Your	21 SPECIAL MASTER POPPITI: Thank you.
22	Honor.	22 With that, I did have a very brief
23	SPECIAL MASTER POPPITI: And I expect in	23 conversation with local counsel yesterday, and I told
24	the, you know, in the interim, ViewSonic has the	24 them that I would like to suggest that there are a number